

Senate Bill No. 1765

Passed the Senate May 25, 2006

Secretary of the Senate

Passed the Assembly August 7, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 354.9 to the Code of Civil Procedure, relating to victims of wrongful or coerced repatriation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1765, Escutia. Victims of wrongful or coerced repatriation.

Existing law authorizes various persons to bring civil actions for damages under specified circumstances.

This bill would authorize a victim of unconstitutional, wrongful, or coerced repatriation, defined as any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to emigrate from this state during the period from 1929 to 1944, or his or her heir or beneficiary, to bring a legal action to recover damages in any court of competent jurisdiction in this state.

The bill would apply these provisions if (a) the victim was coerced, forced, or falsely induced to emigrate by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity, as specified, and (b) the victim, or his or her heir or beneficiary, resides in this state and has a claim arising out of the victim's unconstitutional, wrongful, or coerced repatriation.

The bill would also provide that any action brought pursuant to this provision may not be dismissed for failure to comply with the applicable statute of limitations or to exhaust any applicable administrative remedies or governmental tort claims procedures, if the action is commenced on or before December 31, 2016.

This bill would make the operation of its provisions contingent upon the enactment of SB 1524.

The people of the State of California do enact as follows:

SECTION 1. Section 354.9 is added to the Code of Civil Procedure, to read:

354.9. (a) The following definitions govern the construction of this section:

(1) “Victim of unconstitutional, wrongful, or coerced repatriation” means any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to emigrate from California during the period from 1929 to 1944, inclusive, by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the state constitutional or property rights of that person.

(2) “Damages” means any and all damages for any harm, loss, or detriment sustained by any victim of unconstitutional, wrongful, or coerced repatriation by reason of the coerced, forced, or falsely induced emigration from California by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the state constitutional or property rights of any victim of unconstitutional, wrongful, or coerced repatriation.

(b) Notwithstanding any other provision of law, any victim of unconstitutional, wrongful, or coerced repatriation, or the heir or beneficiary of a victim of unconstitutional, wrongful, or coerced repatriation, who resides in this state and has a claim arising out of the victim’s coerced, forced, or falsely induced emigration from California by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the California constitutional or property rights of any victim of unconstitutional, wrongful, or coerced repatriation, may bring a legal action to recover any damages in any court of competent jurisdiction in this state, which court shall be deemed the proper forum for that action until its completion or resolution.

(c) No action brought under this section may be dismissed for failure to (1) comply with the applicable statute of limitations, or (2) exhaust any applicable administrative remedies or governmental tort claim procedures otherwise provided by any

statute, if the action is commenced in any California court of competent jurisdiction on or before December 31, 2016.

SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. This act shall become operative only if Senate Bill 1524 of the 2005–06 Regular Session is enacted and becomes effective on or before January 1, 2007.

Approved _____, 2006

Governor